

FILED

NOT FOR PUBLICATION

OCT 19 2005

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

EDWIN AMILCAR TISTA-
HERNANDEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-72285

Agency No. A70-953-343

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted October 11, 2005**

Before: T.G. NELSON, TALLMAN and BEA, Circuit Judges.

Edwin Amilcar Tista-Hernandez, a native and citizen of Guatemala, petitions for review of an order of the Board of Immigration Appeals (“BIA”) affirming an

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

immigration judge's ("IJ") denial of his application for asylum.¹ Reviewing for substantial evidence, *see Kasnecovic v. Gonzales*, 400 F.3d 812, 813 (9th Cir. 2005), we deny the petition for review.

Substantial evidence supports the IJ's adverse credibility determination, which was adopted by the BIA. The IJ provided specific and cogent reasons for that determination, including Tista-Hernandez's inability to identify the guerrilla group that he allegedly had assisted on a weekly basis, and an inconsistency between his hearing testimony and his declaration concerning the identity of an organization that had allegedly abducted him. These reasons go to the heart of Tista-Hernandez's claims for relief, and therefore are sufficient to support the adverse credibility finding. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003) (upholding denial of asylum relief where IJ's credibility findings "went to key elements of the asylum application, including identity [and] membership in a persecuted group").

Tista-Hernandez further contends that the IJ erred by requiring corroborating evidence. We need not consider that contention, because the IJ found Tista-

¹ Tista-Hernandez does not seek review of the denial of his claims for withholding of removal and relief under the Convention Against Torture.

Hernandez not credible independent of any corroboration requirement.

PETITION FOR REVIEW DENIED.